IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal from Order No.263 of 2025

14th November, 2025

The Oriental Insurance Company Limited .... Appellant

Versus

Deepa Devi and others .....Respondents

Presence:-
Mr. Shankar Agarwal, learned counsel for the appellant.
Mr. Mukul Singh Dangi, learned counsel for respondent no.4.
Mr. Chandramauli Shah, learned counsel for respondent nos.5 and 6.

Hon'ble Alok Mahra, J.

The present Appeal from Order has been filed against the Award dated 06.06.2025 passed by the Employees Compensation Commissioner/Chief Judicial Magistrate, Pithoragarh in ECC No. 09 of 2023, Deepa Devi and others vs. J.K.M. Constructions and Others, whereby the claim petition was partly allowed.

2. Brief facts are that Chakkar Bohra @ Chak Bahadur Bohra, husband of respondent no.1 and father of respondent nos.2 and 3, was working as a labourer under respondent no.4 at an under-construction JKM Construction road site in Pithoragarh. On 04.12.2022,

while collecting tools from a Popland machine, he was buried under a sudden rockslide and died on the spot. The respondents, being fully dependent on him, claimed that he was 24 years old, earning Rs.25,000 per month, and sought compensation of Rs.25,00,000 with penalty and interest.

3. Learned counsel for the appellant submits that the employer–employee relationship was not proved, as no attendance register, employment certificate, EPF/PF records, or police documents were produced. He has further argued that the Commissioner erred in accepting the claim in the absence of such records, and that the income of the deceased should have been assessed as per the Uttarakhand Minimum Wages Notification (April 2019), i.e., Rs.8,331 per month, instead of Rs.15,000. It is further submitted that the policy covered only five unskilled workers, death intimation was not given to the insurer, and interest liability, if any, lies on the employer.

4. Learned counsel for the respondents submits that the employment of the deceased under JKM Constructions was duly proved. Besides this, respondent no.4, in his statement, has categorically deposed that the deceased was being paid a monthly salary of Rs.15,000/-, which fact was neither contradicted nor denied by the

insurance company. Respondent no.4 further stated that all his workmen were insured with the appellant/insurance company, and this statement of fact was also not denied by the insurance company.

5. This Court finds no illegality or perversity in the findings recorded by the Commissioner warranting interference in appeal.

6. Accordingly, the Appeal from Order is dismissed.

(Alok Mahra, J.)
14.11.2025

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